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Chief Executive Officer
City of Wanneroo
23 Dundobar Road
WANNEROO WA 6065

ATTENTION: MEL SUN - SENIOR PLANNER, APPROVAL SERVICES

To whom it may concern,

LOT 903 (NO.2) POLLINO GARDENS, LANDSDALE - MINOR MODIFICATION TO DAP APPROVAL (DAP REF: DA2020/540)

We refer to the Development Application for a Childcare Centre and Medical Centre that was approved by the Metropolitan Outer Development Assessment Panel (**DAP**) on 16 June 2021.

On behalf of the Applicant, *VV Nominees Pty Ltd*, we formally request the DAP grant approval for a minor modification to the approval pursuant to Regulation 17(1)(b) and 17(1)(c) of the *Planning and Development (Development Assessment Panels) Regulations 2011* in accordance with the modifications specified on the enclosed development plans prepared by *Arasi Constructions*.

This application includes:

- A completed DAP Form 2 (Application for amendment or cancellation of a Development Assessment Panel determination), City of Wanneroo Application Form and MRS Form 1
- A Certificate of Title
- A copy of the modified DA plans

This modified application is for minor changes to accommodate the reconfiguration to the medical centre and childcare centre in response to prospective tenant requirements. The changes predominately relate to extensive negotiations with the range of prospective tenants and provide a more functional building layout and improve the efficiency of the centre for future tenants. Details of the proposed changes are outlined below.

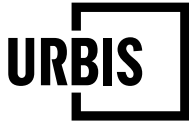
1. SITE CONTEXT

The subject site is situated within the municipality of the City of Wanneroo (**City**) and comprises Lot 903(2) Pollino Gardens, Landsdale (**subject site**). Located at the northern boundary of the growing Landsdale locality, the subject site is located approximately 17.8 kilometres north of the Perth city centre and 10.5 kilometres south-east of the Joondalup city centre.

The subject site is of a triangular shape and has frontage to Pollino Gardens, Priest Road and Gnangara Road. The site is contiguous to an emerging residential estate (owned and delivered by the applicant of this application) and is broadly surrounded by diverse mix of residential, commercial, industrial and rural uses and activities (refer **Figure 1** below).

Figure 1 – Subject Site Aerial





1.1. SITE DETAILS

Refer **Table 1** below for a description of the land subject to this application.

Table 1 – Lot details

Lot	Deposited Plan	Volume	Folio	Area
903	407289	4010	127	2,492 sq.m

1.2. SITE DESCRIPTION

The subject site comprises a single freehold lot with a total site area of approximately 2,492sq.m. The lot is irregular in shape and has never been used for urban purposes, and therefore has no prior land uses. Currently, the site is a vacant and cleared sand pad with no vegetation.

1.3. CONTEXT

The subject site is situated within the northern portion of the growing Landsdale locality and is immediately bounded by established single detached residential dwellings to the south, emerging grouped residential dwellings and POS to the west, and rural residential land to the north.

Broadly, the site is surrounded by the following uses and activities:

- The Gngangara-Wangara Commercial/Industrial area to the west.
- Lake Gngangara to the north.
- Warradale Park and Landsdale Community Centre 760 metres south-east.
- Landsdale Primary School 880 metres south-east.
- Landsdale Shopping Centre 1.3 kilometres south-east.
- Bus services are provided along Gngangara Road, 230 metres west of the subject site.

2. PREVIOUS APPROVALS

The DAP originally granted approval for the childcare and medical centre on 16 June 2021 (DAP/20/01790). The existing approval for the mixed commercial development comprises the following:

- **Onsite Carparking (Basement and Ground Floor)** – 60 bays (30 in a tandem configuration)
- **Medical centre (Ground Floor)** - Total of approximately 881sq.m for a maximum of 12 health practitioners permitted at any one time.
- **Childcare centre** – Total of approximately 1,466sq.m for a maximum of 90 children and 14 staff.
- **Associated access, signage, and landscaping.**

3. STATUTORY PLANNING PROCESS

Regulation 17(1) of the *Planning and Development (Development Assessment Panels) Regulations 2011* states:

“An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply for the DAP to do any or all of the following —

- a) ...
- b) *to amend or delete any condition to which the approval is subject;*
- c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
- d) ...”

In this instance the Applicant seeks to amend the plans, as well as the necessary consequential amendment of relevant conditions of approval. It is evident from this application that the proposed modifications do not substantially change the approved development and will improve the functionality of the centre, making it more suitable for prospective tenants as well as reducing the overall development intensity and therefore ensuring a lower risk of impact on amenity of surrounding land users.

4. PROPOSED DEVELOPMENT

Since the approval on 16 June 2021, the pursuit for prospective tenants has led to a need to modify the layout of the building to reconfigure the location of prospective tenancies. These changes primarily include relocating the childcare centre to the ground floor, significantly reducing the size of the medical centre and placing it on the upper level in a position significantly removed from the adjoining approved residential dwellings. This reduction has allowed for the addition of a café on the corner (the built form was previously approved however was marked as medical due to the assessment of insufficient car parking numbers by the City).

Accordingly, a Regulation 17 application is required to accommodate minor changes to the approved plans, prior to lodgement of the Building Plans for a Building Permit.

The proposed changes are outlined below.

4.1. RECONFIGURATION OF PROSPECTIVE TENANCIES AND BUILDING LAYOUT

The key change to the approval is the ‘flipping’ of the building layout such that the childcare is now at ground level and the medical centre is on the first floor (in a reduced size). The relocation of the childcare centre to the ground floor has allowed for modifications to the internal layout to facilitate a more functional centre from an operational best practice perspective, improvements to the façade and the addition of a café use addressing Priest Road and Gngalara Road.

The changes predominately relate to extensive negotiations with the range of prospective tenants and provide a more versatile and functional building layout which improves the efficiency of the centre for future tenants. The reconfiguration of the centre along with the external enhancements to the façade creates additional visual interest and better connects pedestrians from the street and adjoining parking areas. Ultimately, delivering a high-quality outcome that meets the needs of future prospective tenants and customers, whilst being contextually appropriate in its setting.

4.2. ADDITIONAL CAFÉ TENANCY

The reconfiguration of tenancies and decrease in medical centre floorspace has provided an opportunity for a café tenancy to be reintroduced into the south-east corner of the proposed development (effectively in the location nominated as ‘medical’ in the previous approval). It also has allowed for the removal of the at-grade parking at the entrance and in turn, bringing the building to street to better engage with the public realm.

The café was included as part of the original development application for the site, and was supported by the City through Amendment No.20 (A20) to the East Wanneroo Cell 5 (Landsdale) Agreed Structure Plan No.7 (ASP7). A20 modified the structure plan as to place an additional use clause to allow ‘Medical Centre’, ‘Pharmacy’ and ‘Restaurant’ to be a ‘D’ use on the subject site, to ensure a café was capable of approval.

4.3. MODIFICATIONS TO CARPARKING

The proposal now provides 40 car parking bays on site, with a further 20 proposed to be located in the verge area (which is subject to acquisition and a separate development application for works within that land area). There are also an addition 18 provided within the verge area along Pollino Gardens (adjoining the POS) within close walking distance to the site. The modified design presents a decrease in carparking commensurate with the decrease in intensity of use on the site.

4.4. DEVELOPMENT STANDARDS

Part 4 of DPS2 provides the relevant development standards applicable to the proposed development. Refer **Table 2** below for an assessment against the relevant provisions of Part 4.

Table 2 – Assessment against the relevant development standards of DPS2

Provision	Assessment	Compliance
4.7 Setbacks for Non Rural and Non Residential Development		
<p>4.7.1 <i>Subject to the provisions of Part 3 or as otherwise provided in this clause, non rural and non-residential buildings shall be set back as follows:</i></p> <p>(a) <i>street boundary – 6 metres;</i></p> <p>(b) <i>side and rear boundaries – Nil.</i></p>	N/A – this development standard is augmented by the provisions of the Additional Use.	N/A
<p>4.7.2 <i>Where a lot has a boundary with two or more streets, the local government shall determine which of these streets may be considered secondary street boundaries. Setbacks to secondary street boundaries may be reduced by local government to 3 metres.</i></p>	N/A – this development standard is augmented by the provisions of the Additional Use.	N/A

Provision	Assessment	Compliance
<p><i>4.7.3 Where a non-residential development is proposed to be located on a lot having a common boundary with a Residential Zoned lot, the side and rear setbacks shall not be less than:</i></p> <p><i>(a) 3 metres for buildings of one storey; or</i></p> <p><i>(b) 6 metres for buildings of two or more storeys.</i></p>	<p>The development proposes a 3.0 metre setback to the adjoining residential land (which is owned by the same entity as this application). The development has been carefully designed to control impacts on the adjoining development.</p> <p>The development is now only single storey for the entire length on this boundary, as the office component on the upper level is limited to the corner against Gnangara Road. As a result the shadow has been entirely contained on the subject site (as shown on the plans) and there are no overlooking issues due single storey nature of the building along the boundary.</p>	<p>Alternative Design Solution.</p>
<p><i>4.7.4 That portion of a lot within 3 metres of the street alignment shall only be permitted to be used for a means of access and landscaping.</i></p>	<p>The development maintains its setback on the approved development.</p>	<p>N/A</p>
<p><i>4.7.5 That portion of a lot between 3 metres of the street alignment and the building setback line shall only be permitted to be used for:</i></p> <p><i>(a) a means of access;</i></p> <p><i>(b) the loading and unloading of vehicles;</i></p> <p><i>(c) landscaping;</i></p> <p><i>(d) a trade display;</i></p> <p><i>(e) the daily parking of vehicles used by employees and customers of the development.</i></p> <p><i>No such area shall be used for the parking of vehicles displayed for sale or which are being</i></p>	<p>The use of the setback area is limited to hard and soft landscaping and a 2 car parking bays.</p> <p>Once the additional verge area is acquired and amalgamated into the site the setback to Priest Road will significantly increase – notwithstanding the distance of the building to the kerb wont change – it is simply the ‘invisible’ cadastral boundary the will change.</p>	<p>YES</p>

Provision	Assessment	Compliance
<i>wrecked or repaired or for the stacking or storage of materials, products or wastes.</i>		
4.8 Building Facades for Non Rural and Non Residential Development		
<i>4.8.1 The façade or facades of all non rural and non-residential development shall be of a high standard of architectural design and constructed in brick, masonry and/or plate glass or other approved material which in the opinion of local government would not adversely impact on the amenity or streetscape of the area. Where metal clad walls are approved by local government they shall have a factory applied paint finish.</i>	The proposal design incorporates high quality façade consisting of a mixture of masonry, cladding, screening and glass.	YES
<i>4.8.2 The facade or facades of all non rural and non-residential development shall have incorporated in their design, integrated panels for the purpose of signage placement.</i>	All signage has been designed to be integrated into the design of the building.	YES
4.10 Visual Truncations to Vehicle Accessways in the Vicinity of Street or Right-Of-Ways		
<i>No building, wall, fence, landscaping or other development greater than 0.6 metres in height measured from the natural ground level at the boundary shall be constructed or maintained within the sight line area stipulated in the Australian Standard for Off Street Parking AS2890.1 at the intersection of a vehicular access way and a street or right-of-way.</i>	No structures are proposed in the truncation zones.	YES
4.12 Service Areas and Access		
<i>Provision shall be made for service access to the rear of all taverns, hotels, motels, shops, showrooms, restaurants, takeaway food outlets, drive through takeaway food outlets and other commercial uses as required by the local government for the purpose of loading and unloading goods unless considered by the local government to be undesirable in a particular instance.</i>	Due to the nature of the developments, only a minor amount of servicing is required, and will be undertaken by standard size vehicles.	YES

Provision	Assessment	Compliance
4.13 Storage and Rubbish Accumulation		
<p><i>All storage, including the storage of accumulated rubbish, shall be confined to within a building, or a suitably enclosed area screened from its immediate surrounds and any adjacent public street or road by normal viewing by a wall not less than 1.8 metres in height constructed of brick, masonry or other approved material. All storage of accumulated rubbish shall be located in a position accessible to rubbish collection vehicles and where vehicular access and car parking will not be adversely affected.</i></p>	<p>A large bin store area is provided at the basement car parking level and is screening to ensure that it is not visible from the street.</p>	<p>YES</p>
4.14 Car Parking Standards		
<p><i>4.14.1 The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the local government shall determine the parking standard. The local government may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.</i></p>	<p>Medical Centre: 5 per practitioner (based on 5 practitioners) = 25 bays</p> <p>Child care: 1 per staff plus 9 bays and 1 per 8 children accommodated in excess of 54 children (based on 100 children and 20 staff) = 34.75 bays</p> <p>Restaurant: 1 per 4 people accommodated (assume 32 people) = 8 bays</p> <p>Total = 67.75 bays</p> <p>60 car parking bays are provided on site (including the 20 bays to be provided within the verge area subject to acquisition and development approval). An additional 18 visitor bays are being provided in the road verge adjoining the POS. Given the significant asymmetric peaks and cross-visitation associated with</p>	

Provision	Assessment	Compliance
	various uses on site, the car parking provided is appropriate and is commensurate with the levels provided as part of the previous approval.	
4.16 Bicycle Parking and End of Trip Facilities		
<i>Local government may require the provision of bicycle parking and end of trip facilities such as showers, change rooms and lockers in commercial developments and other employment centres in accordance with Austroads' Guide to Engineering Practice Part 14: Bicycles.</i>	No showers have been proposed due to the nature of the uses provided on site.	Alternative Design Solution.
4.17 Landscaping Requirements for Non Rural and Non Residential Development		
<i>4.17.1 A minimum of 8% of the area of a development site shall be set aside, developed and maintained as landscaping to a standard satisfactory to the local government. In addition the road verge adjacent to the lot shall be landscaped and maintained to the satisfaction of the local government.</i>	The area provided as deep plantable landscape area is effectively unchanged from the previous approval. Once the verge acquisition is factored in it will be significantly increased. Furthermore, the site has significant landscaped areas to Gnagara Road which add to the overall provisions of open space.	YES
<i>4.17.2 When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street alignments shall be set aside, developed and maintained as landscaping to a standard satisfactory to the local government. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.</i>	The car parking area is located off a cross over to Pollino Gardens, which has an extra wide verge and will seamlessly tie into this verge parking area.	YES

Provision	Assessment	Compliance
<p><i>4.17.5 Shade trees shall be planted and maintained in car parking areas designed within the wells at the rate of one tree for every four (4) car parking bays, to the local government's satisfaction.</i></p>	<p>Shade trees are proposed within the verge area to be acquired. Obviously trees cannot be in the basement car parking area.</p>	<p>YES</p>
<p>Screening of Storage Areas</p>		
<p><i>The owner of land on which there is stored, stacked or allowed to remain any materials which in local government's opinion detract from the amenity of the area shall completely screen the said materials from adjoining properties and from streets in a manner specified by and to the satisfaction of local government, by means of walls, fences, hedges or shrubs.</i></p>	<p>All storage areas are screened from public view.</p>	<p>YES</p>
<p>4.19 Screening for Non Residential Development Abutting Residential Lots</p>		
<p><i>Where a non-residential development is proposed to be located on a lot having a common boundary with a lot that is zoned or developed for residential purposes, a screen wall at least 1.8 metres in height and to a standard specified by the local government shall be provided along the common boundary of the two lots to protect the residential amenity.</i></p>	<p>A 1.8 metre high screen wall is proposed to the boundary of the residential properties.</p>	<p>YES</p>

4.5. EAST WANNEROO CELL 5 (LANDSDALE) AGREED STRUCTURE PLAN NO. 7

Pursuant to Clause 3.14 of DPS2, development within land zoned 'Urban Development' is to have due regard to an approved structure plan. The East Wanneroo Cell 5 (Landsdale) Agreed Structure Plan No. 7 (**structure plan**) provides the relevant land use permissibility, zoning and additional development standards applicable to the subject site.

Pursuant to Schedule 2, additional use class permissibility's are provided over the development area, subject to conditions. An assessment against these conditions is provide in **Table 5** below.

Table 3 Assessment against additional use conditions

Condition	Proposed	Compliant
<i>Medical centre to be limited to 8 general practitioners operating on site at any particular time, which may operate in addition to any allied health professionals/services</i>	The site will be limited to 5 general practitioners.	YES
<i>Restaurant to be limited to 50 sq.m NLA of internal area</i>	The internal area of the restaurant (café) accessible for customer seating is expected to be less than 50 sq.m	YES
<i>Pharmacy to be limited to 200 sq.m NLA</i>	No Pharmacy Proposed	N/A
<i>Built form to a maximum of two habitable floors, in addition to any undercroft parking area, to a maximum height of 59.5m AHD excluding minor projections and architectural features</i>	The building is predominately single storey (in addition to the undercroft). The portion that includes an upper level does not exceed 59.5m AHD (excluding minor projections and architectural features)	YES
<i>Building to be orientated and designed to address surrounding streets</i>	The development provides a very strong presentation to Gnangara Road and Priest Road, and will provide a landmark that a will act as gateway into the Landsdale from the north.	YES
<i>Building design to generate visual interest through built form articulation, openings,</i>	The proposal has selected a range of high quality materials that have been applied in a way that creates visual interest and reduces the perceived bulk and scale of the building.	YES

Condition	Proposed	Compliant
<i>architectural features and building materials</i>		
<i>Provision of a minimum 3.0 m building setback to Pollino Gardens and Priest Road</i>	The building setback is unchanged from the previous approval.	N/A
<i>Any street fencing is to be visually permeable</i>	No street fencing is proposed.	N/A

As demonstrated by **Table 5** above, the proposed development is compliant with the additional use conditions, as prescribed by the structure plan and warrants approval accordingly.

5. REQUEST FOR MODIFIED CONDITIONS

Based on the above, it is requested that Conditions 4) and 6) are modified as follows:

- 4) A maximum of ~~90~~ 100 children and ~~14~~ 20 staff are permitted within the Child Care Centre premises at any one time.
- 6) A maximum of ~~12~~ 6 health practitioners are permitted within the Medical Centre premises at any one time.

6. CONCLUSION

We trust the above provides clarification to the proposed scope of works and assessment against the provisions Regulation 17(1)(b) and 17(1)(c) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

We respectfully request that this matter be referred to the Metropolitan Outer Development Assessment Panel for approval in a timely manner.

Please call Matthew Filov or the undersigned on (08) 9346 0500 if you would like to discuss the matter.

Kind regards,



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